

REMARKS

The applicants have studied the Final Office Action dated June 30, 2005, and have made amendments to the application. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-3, 6-13 and 89-91 are pending, claims 1, 89 and 91 have been amended and claims 4-5 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

The applicants wish to thank the Examiner for her time in the September 15, 2005 interview with the applicants' representatives. The discussions are believed to have moved the case towards allowance. The applicants have amended claims, canceled claims and have provided the following remarks to present the claims in a better format and to more clearly distinguish the cited art. The Examiner indicated that an additional search may still be necessary, but otherwise the Examiner thought that the presently amended claims would overcome all of the cited prior art. If the Examiner has any further questions or comments, the Examiner is requested to call the undersigned to advance prosecution of the application.

In accordance with the discussions which took place during the interview, the applicants have canceled claims 4-5 without prejudice or disclaimer. The limitations of claim 4 have now been incorporated into independent claim 1. In particular, independent claim 1 now recites, "[a]n analyte sensor for implantation in a body for use with a slotted needle, the sensor comprising: a substrate with notches cut in the substrate to form a necked down region in the substrate and a non-necked down region in the substrate wherein the non-necked down region is distal to the notch which forms the necked down region and is for placement within the body . . . wherein the notches creating the necked down region allows the substrate to slide into the slotted needle that has a slot narrow enough to permit passage of the necked down region, but prevents the non-necked down region of the substrate from slipping out of the slotted needle . . ." (emphasis added). Additionally, dependent claim 89 has been amended to more accurately recite the dependent nature of the claim. No new matter has been added.

Therefore, it is respectfully submitted that the rejection of all of the claims under 35 U.S.C. § 102(b) and (e) should be withdrawn.

The Examiner also rejected claims 1-13 and 89-91 under the judicially created doctrine of double patenting over claims 22-91 of U.S. Patent No. 6,484,045. A terminal disclaimer is being filed concurrently with this amendment. Therefore, it is respectfully submitted that the double patenting rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Examination and consideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (818) 576-5003 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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